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e-Research: A Journal of Undergraduate Work

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This edition of Chapman's Undergraduate e-Research Journal features articles on the fine art of competitive dance, and the political consequences of enhanced interrogation policies for the United States government, and the complementary nature of food and music in South Indian culture. The first article examines dance competition as a supplement for education and child development, using survey data and statistical analysis. The second article critically examines the past policies of the United States government on torture, and constructs an argument for its continued practice. The third article explores the complex relationship between food, flavor, and music in South Indian culture.

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The Psychology of Competitive Dance: A Study of the Motivations for Adolescent Involvement

Samantha Sobash

ABSTRACT

"Competition is a social process that is so pervasive in Western civilization that no one can escape it" (Robson 2004). Dance training for most people begins at an early age, and thus the art form akin to sports introduces youth to competition. The booming dance competition industry has only enhanced the competitive aspect of the art form. Currently there are upwards of 200 local, regional, and national competitions held annually with participants as young as four years old. Is competition innate or are we introducing it as part of youth development in the Western world? Youth are increasingly pushed by society towards activity specialization which only limits their ability to develop as well-rounded individuals. This study aims to evaluate the dominant motivations for youth to participate in dance competitions. Also encourage people: dance educators, dancers and dance parents to recognize how competition actively affects the psychological and social maturity of young dancers as people in positive and negative ways.

Keywords: competitive dance, child development, adolescent athletes, dance, competition, sport, gymnastics, specialization

REVIEW OF LITERATURE

Research on youth in competition has been primarily a concern of sports psychologists. This research applies prevailing theories to youth in competitive dance to help analyze the effects of such activity on youth social and psychological maturation. Dance competitions have blossomed over the years with other two hundred competition companies currently in business at the local, regional, and national level. Each competition provides opportunities for performance with set rules and judging criteria. News and TV reality shows such as *Dance Moms* have shed some light on the general public as to the physical and psychological demands on children who compete. However, there has not been a lot spoken about the motivation for parents, educators, and students to participate in dance competitions.

Specialization at an early age has become widely promoted among sports and dance. Early childhood skill is said to be required for potential elite performance (Capranica and Millard-Stafford 2011). The advent of the Youth Olympic Games has increased emphasis on global youth competition. An intense focus on one specific activity stresses a certain mentality that can affect the child's mental health. There are long-term effects on children involved in rigorous training and competitive schedules. This all poses potential risks from early specialization in sport.

Many young dancers have limited time with schooling and other life events to hone their craft and therefore tend to forego cross training. Cross training will ultimately strengthen the body to sustain a high level of artistic, physical activity for a lifetime is so desired. Cross training prevents overuse injuries, uneven strength between sides, and psychological burnout (Capranica and Millard-Stafford 2011). The prevalence of dancers involved in dance competitions has only heightened the youth sport specialization dilemma. Competitions inevitably force young

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dancers to manipulate their body physically and mentally to excel in one area. It is incorrect to encourage such activity of youth.

Growing support within the sport sciences recommends early diversification over specialization to aid general locomotor and psychological skills (Capranica and Millard-Stafford 2011). Coaches and instructors continue to rely on sport specific dogma to influence programmatic development of the most vulnerable population (Capranica and Millard-Stafford 2011). Sport specialization according to researchers Capranica and Millard-Stafford refers to the "age or point in time in an athlete's development when sports training and competition is restricted and focusing upon a single sport in the pursuit of elite performance" (Capranica and Millard-Stafford 2011). Parents have the ability to steer their children towards an assortment of activity in their early years. The defining point at which a child is ready to prepare for a professional career is subjective at this point. Everyone has their own opinion on the matter of when the right time is. Today, children as young as four participate in dance competitions. This paper argues the pressure and demand of competition is unsuitable for youth of such an age.

In many sports, there exists an unofficial recommendation for youth to take off one month from training every six months. However, most sports today encroach on their historically designated seasons with pre-season and post-season tournaments. Dance has never been accustomed to seasons or periods of rest in training. The dancer trains year round believing the common misconception that taking time off will hinder their body from reaching and maintaining its highest level of performance. One theory developed by the use of Darwinian thought suggests genetically gifted athletes in their youth possess the inherent characteristics to positively adapt to the training loads during growth and maturation (Capranica and Millard-Stafford 2011). This 'survival of the fittest' modality exudes the competitive drive that motivates many students to excessively train in dance and sports today.

Logically, youth competitions should be based on meeting physiological and psychological characteristics of young athletes. In so doing, youth have the opportunity to develop the necessary technical skills to prevent injury during physical growth and biological maturation when athletic skills are not fully developed. Unfortunately to their detriment, youth competitions are organized according to gender and chronological age of the athlete. Training dose and proper progression promote adaptations of youth essential to specialization (Lewis 2011). If instructors and parents can build up resiliency factors, a young person can positively develop instead of abnormally in the face of stressors (Lewis 2011). Maladaptive behaviors are instilled when youth are unable to make adjustments to cope with their circumstances.

Upon studying different sports, researchers have found it impossible to apply a single model to training and competitions designed for children. There are unique demands of youth competition and training to adhere to the psychological and physiological capacity of child athletes. Innovative and multidisciplinary based models must be considered within each activity. There are also considerations to be made regarding social, political, economical, organizational, and economical variables (Capranica and Millard-Stafford 2011). These cross national studies are important to determining the needs for children as well.

Weiss and Hayashi studied the parent-child influences associated with those highly competitive in gymnastics. The research presents the theory of sport socialization. There are two distinguished socializations: "Socialization into sport" is concerned with the factors responsible for attracting children to sport or physical activity (Weiss and Hayashi 1995). "Socialization through sport" is concerned with the positive or negative outcomes that may occur as a direct result of participation (Weiss and Hayashi 1995). There are three determined significant attributes to child's socialization in the predominant learning theory: personal attributes, significant others, and socialization situations (Weiss and Hayashi 1995). The majority of the athletes surveyed by Weiss and Hayashi reported their parents strongly encouraged their participation in a given sport. Family, peers, and coaches represent influential socializing agents of both girls' and boys' activity involvement.

Parents make significant financial and time commitments to their child's participation in organized activity. Dance competitions require a lot of rehearsals, training, costumes, transportation, and time at the events. Parents are required to be present with children competing at such young ages. This study aims to reveal the motivating

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factors for parents to invest so much time and effort into their children competing from early on in life and the expectations of such competitive training.

Research confirms parents directly and indirectly influence their child's perceptions of personal ability and motivation. But also it is the child's achievement behaviors which elicit certain attitudes and expectations in parents that reinforce children's current achievement goals. Youth still look to their parents as sources of information and are affected by their behavior (Weiss and Hayashi 1995). Of interest to the current study is what the children, parents, and teacher perceive as the purpose of youth participating in dance competitions.

Forneris, Camire, and Trudel researched the development of life skills and values in high school sport. Their study was designed to examine the influence sports should ideally be having on youth development compared to the reality of its impact on youth development (Forneris, Camire, & Trudel 2012). The study defines life skills as physical, behavioral, and cognitive abilities that enable youth to succeed in the different environments in which they live (Forneris, Camire & Trudel 2012). Values are defined as qualities that enable human beings to fulfill themselves and live cooperatively with others.

The athletes in general reported less expectations that sports will develop life skills than parents, coaches, and administrators (Forneris, Camire & Trudel 2012). Their expectations lie more in learning how to set and attain goals. The instructors are generally not trained to foster life skills through sports practice. The coaches are focused on the goals for the team or individual to reach a certain amount of success in their performances. Therefore athletes become more attuned to the process of setting and attaining goals. Depending on the dance instructor and goals of the class, instructors may have discussions of relative life skills and values in their students. When time and energy is devoted to competition, this aspect of honing pertinent life skills and values through dance is lost. The mission statement of any sport or activity provides the fundamental values that should guide the practice of the sport (Forneris, Camire & Trudel 2012). It is imperative to consider why youth practice certain activities and the purpose of competition in those activities, respectively.

Individuals shape their motivational responses with subjective perceptions of the motivational climate in specific contexts. Research suggests the perceived motivational climate has important psychological implications for pedagogical contexts (Carr and Wyon 2003). Depending on the perceived climate, students may feel concerned about making mistakes which impedes the learning process and development of skills. This encourages less attractive social behavior such as personal doubt and timidity.

Research presents two types of perceived climate orientations: mastery oriented and performance oriented. Mastery oriented climate is defined as "individuals perceive a situation focus on self-improvement, learning and task mastery through the emphasis of effort and personal progression by teachers and coaches" (Carr and Wyon 2003). There are many positive attitudes developed from this orientation. Students feel satisfaction in their competence and put forth effort knowing they will personally improve. Performance oriented climate is defined as the belief "the purpose of sport is to enhance social status, extrinsic motivation, and negative attitude" (Carr and Wyon 2003). There is a focus on "normative criteria, social comparison, competition, and the unacceptability of mistakes" (Carr and Wyon 2003). Participants of competitions are more likely to develop a tendency to define achievement in socially comparative terms. Depending on the young individual, being involved in dance competition may instill either of the above orientations. This current study aims to expand on the psychological implications of dance competitions as a motivational context for youth.

Quested and Duda completed a study which examined perceptions of social environment in vocational dance schools and fulfilling basic needs satisfaction for the wellbeing of dancers. Task-involving dance environments were positive to the well-being of its students (Quested and Duda 2010). While ego-involving dance environments negatively affected the dancers in regards to competence (Quested and Duda 2010). It is important to heed attention to the basic needs theory as it pertains to training youth. Youth have different experiences, and when collectively gathered in one social environment the climate is uniquely embraced. Each individual interprets the climate of the situation and reacts. Understanding basic needs satisfaction is imperative to working with youth in dance, as it ensures the well-being of the dancers through adolescent development.

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There is a "socio-cognitive conflict" when the social and cognitive are both effected in a learning atmosphere (Buchs et. al 2010). For example conflict regulation may focus on social comparison and demonstration of one's own competence (Buchs et. al 2010). This mindset deters cognitive learning. Positive interactions stems from learning in positive interdependence. It is best when youth work on complimentary projects, rather than the same ones in which competition become the main focus (Buchs et. al 2010). Youth will inevitably start comparing their work to others. If the students were focused on the quality of their own work, they would be able to produce their best work.

Robson explored orientation as well in the behavior of individuals. Ego orientation is when a person focuses on comparing themselves to others with a desire to be the best (Robson 2004). Mastery orientation focuses a person on the improvement of their own skills (Robson 2004). Competitiveness can inspire positive attributes leading youth to success and appropriate personal improvement. Youth will practice self-discipline and sacrifice which is preparation for adult life (Robson 2004). It can encourage youth to work towards high goals and strive for their personal best. People can work competitively without necessarily comparing self-ability to others. "Although competition is a social process, others need not be present" (Robson 2004). Appropriate guidance from mentors such as coaches and parents is needed for youth to advance in a healthy fashion.

In some cases youth are pressured to compete by their parents, coaches or peers. Youth become stressed by the pressure to perform well by others. This anxiety and stress may detract from one's quality of performance in competition (Robson 2004). The individual may rather quit practicing their sport or dance than be mentally frustrated and perform poorly. Researchers are concerned over how competition affects their self-esteem and self-confidence of the more competitive athlete (Robson 2004). High achieving athletes are likely to overt-train to the point of exhaustion, self-injury, and stress before the competition even begins (Robson 2004). So this research supports the notion that parents and instructors need to provide appropriate expectations to young athletes during training, so competition will not negatively affect their performance.

In a study of adolescent athletes on coping and coping effectiveness in relation to a competitive sport event, there were small but significant differences in how athletes of different pubertal status and chronological age coped (Nicholls et. al 2009). Results also suggested that coping differed between chronological age and pubertal status. "Coping includes the conscious attempts individuals make to manage situations and they perceive as stressful and endangering their well-being" (Nicholls et. al 2009). Adolescence is an important time to develop coping strategies. Coping is used to manage a lot of sports related stressors such as making errors, watching others perform well, receiving criticism from coaches as well as rapid physiological, social, emotional and cognitive changes associated with adolescence (Nicholls et. al 2009). Coping is constrained by the biological, cognitive, emotional and social maturation of a person.

Puberty is defined as "the activation of the hypothalamic-pituitary-gonadal axis (HPGA) that culminates in gonadal maturation" (Nicholls et. al 2009). HPGA is one of the physiological factors associated to coping with stressors. As HPGA matures there are functional adaptations that enable individuals to meet external environmental demands more efficiently (Nicholls et. al 2009). Different athletic experiences instill different coping mechanisms. In this respect, dance as an experience enlists still different coping mechanisms. Theses coping mechanisms need to be considered in further research.

A study on fane as a transformative occupation found the most agreed upon reason people dance is that it has the power to transform lives and add meaning to life. Graham developed a teaching conditions theory which 'identifies and posits conditions that support the development of social, emotional, and intellectual meaning in dance learning contexts' (Graham 2002). These are all essential aspects of positive youth development. In asking the purpose of dance for each in their respective lives, the research dives into the meaning of activity beyond the fa çade of competition. In an application of sociologist Talcott Parsons' Functional Theory, Graham relates the reported five functions in relation to sport: socio-emotional, socialization, integration of disparate individuals into groups, political, and social mobility (Graham 2002). All of these are inherent in the practice of dance. No matter the initial motivation or purpose for dance in one's life, competing is a social act and involving youth in dance competition affects the inherent demeanor of youth in social interactions.

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A stereotyped vision of the available occupations exists of the dance field. Performers are portrayed at the top of the field, and just underneath are those perhaps not good enough to perform who help others learn to dance (Graham 2002). There are few who actually perform at the highest level. We must consider again why people choose to put themselves or their children into dance class especially in a competitive atmosphere. Dance presents a plethora of life skills. Instead of representing the dance field in an unbalanced triangle, Graham imagistically reverses the dance occupation to a fern. The fern proposes everyone involved in dance is united by the inherent nature of dance: "Movement by a human body in space and time" (Graham 2002). The branches of the fern represent the different reasons for participation. The branches are of interest to this current study.

METHODOLOGY

Participants.

Participants consisted of 58 (47 Female; 6 Male; 5 Unspecified) undergraduate dance students recruited from Chapman University in Orange, CA. Students ranged in age from 18-29. The department trains students equally in the genres of Jazz, Ballet, and Modern from all across the United States and even abroad. A great number of the students at Chapman are familiar to dance competitions, but it was not necessary for participants to have been involved in dance competitions. There was no compensation for their voluntary participation in the study.

Procedure.

A link to an online survey was distributed to all the dance majors via email. The study required participants to fill out a onetime survey with up to 64 questions. There were two versions of the survey. Version A was intended for dancers who had participated in a dance competition at some point in their life. Version B was intended for dancers who have never participated in a dance competition at any point in their life. Only 5 of the participants had never participated in a dance competition.

Both groups were asked questions pertaining to the age they started dancing, reason for starting to take dance classes, perceived purpose of dance for youth in general, motivation to continue dancing at an older age, attitudes towards competition, etc. All of the participants also replied to social statements on a 5 point Likert scale. Researchers were interested to what extent participants heeded to external influences in their lives. Participants who had competed answered additional questions based on their personal experience as a youth involved in dance competition.

RESULTS

This study received a strong response from female participants (88.7%), between the ages of 18-21 (66%), who had participated in at least one dance competition in their lifetime (90.6%). Over half (58.5%) of the participants began dancing at age 5 or younger. The younger the participants were when they began dancing, the less autonomous the decision or motivation was for beginning the activity. Most were placed in class by their parents or had been inspired by someone they knew to begin taking class. As the beginning age of dance training increased participants said their motivation was to be involved in an enjoyable form of physical activity or have a creative outlet.

Only 7.8% said their motivation from the start was to eventually pursue a dance profession. However, 65.4% replied dance is currently their chosen life profession. Only 21% said they continued to dance primarily for means of a creative outlet in their lives. When the participants considered the purpose of dance education for youth in general there was no real consensus, 39.6% felt it encouraged youth to develop important skills and social values; 28.3% agreed it provided youth with a creative outlet; 20.8% thought it gave youth an enjoyable form of physical activity. The dancers in the study were trained in very versatile atmospheres. 94.3% had trained in jazz and lyrical/contemporary; 98.1% had trained in ballet; 83% had trained in Tap; 90.6% had trained in modern; 69.8% in Hip Hop.

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Over half, 55.8% of the participants said the majority of their close friends are dancers and 28.8% remained neutral on the topic. When asked if the participants felt more comfortable in social interactions with other dancers as opposed to non-dancers, 45.3% posed "neutral" and 29.6% responded "yes". The participants were very indecisive when asked if they feel they had missed out on school related activities or other social activities due to an intense focus on dance. 45.3% responded "yes", expressing even though they missed out on social events such as school dances for competitions or weren't as actively involved at school, they don't regret their decision to be so involved in their dance training. The following four responses are representative of the group.

It was always "I can't, I have dance/rehearsal/practice/performance."

Dance had consumed so much of my free time that I was constantly missing out on parties, family functions, and social gatherings. It was worth it though, because I don't know who I'd be without dancing.

I never really made school friends since I had no time to get to know anyone.

I had a whole spectrum of interests and dance took all of my time outside of the school day. I was unable to pursue other interests. I don't regret focusing on dance, but do wish I'd had the chance to develop other areas of my life.

Although it was difficult for participants to become actively involved in school or social events, most of the participants said they were absent from school never, rarely or sometimes due to traveling for competitions.

Figure 1 in the appendix shows two columns representing the percentage of participants who agreed with the corresponding statement of competition in dance and social life. 58.5% of participants agreed dance is a competitive physical activity while 22.6% said it was not and 18.9% remained neutral. When asked is competition is an essential part of social life 40.4% of the participants responded "yes", 40.4% also responded "no" and 19.2% remained "neutral". Over 80% of the participants denied ever changing studios to become part of a higher ranked competition group or train in a less competitive atmosphere. 62.3% of the participants were also involved in competitive sports as adolescents.

The results were inconclusive on the primary objective of dance competitions. 35.53% said it gives dancers opportunities to receive feedback from experiences judges in the field; 27.5% said it gives dancers more opportunities to perform; 21.6% said it gives dancers opportunities to meet and see the work of dancers from different areas. The dancers (77.1%) enjoyed competing, but only 47.9% would encourage adolescents to participate in dance competitions. Out of the 5 participants who had never participated in a dance competition, 60% of them described their studio atmosphere as competitive.

Graph 1 in the appendix depicts 52.1% of participants began participating in dance competitions themselves in the 9-12 age range. The age range of 9-12 is thought by 52.8% of the participants to be an appropriate age for youth to begin competitive training in dance as depicted in Graph 2 in the appendix. The majority 85.4% continued competing until 15-18 years old. All of the listed competition divisions: solo, duet/trio, small or large group and production were competed in by the majority. 97.9% had competed in the small or large group category. The two main reasons the dancers said they were motivated to participate in dance competitions were to have more opportunities to perform (40%) and to have the opportunity to be part of a team and work for high achievements (37.8%). Most participants were encouraged by their parent (68.8%), peers (83%), and/or instructors (91.7%) to participate in competitions. Although 70% said they never felt pressured by their teacher or parent to continue competing had they wanted to stop.

Table 1 displays the social statements we asked participants to rank on a 5 point Likert scale which reached a definite consensus. These statements guided an analysis of social demeanor and psychological confidence among participants.

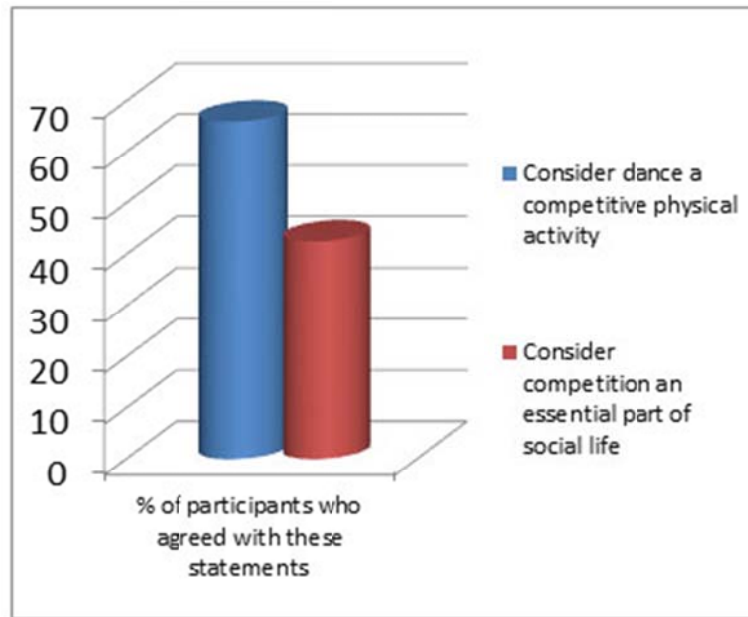


TABLE 1

DISCUSSION

The results imply dancers with a competitive dance education have a neutral perception of competition being positive or negative during youth development. While most feel it is important to view dance competitively, there is still the hesitation to encourage adolescents to participate in youth dance competitions. Competitions take a major toll on a young individual's social life. Competition requires a lot of extra hours of rehearsals, training, and traveling to competitions. Dancers involved in competitions have little to no free time. There are no opportunities for youth in competitive dance to explore other interests.

As discussed in the review of literature, specialization at a young age inhibits the development of key locomotor and psychological skills of an individual. One of the major differences in time commitment of athletes to dancers in training is the rehearsal dancers engage in aside from regular training. Sports athletes have practices, but there is no need to additionally rehearse for a game. The practice takes care of game preparation. Dancers rehearse in addition to regular training and have definitive expectations of performance by their parents, peers, instructors, and ultimately of themselves.

Since over 62.3% of the individuals were also involved in competitive sports as adolescents, it would be interesting to further the research distinction of dance competition and sport competition for youth. The participants believe the group as well as the individual is given attention in dance competitions; most competed both as soloists and in a group. This work is similar to the sports mentality of team work. The social statements revealed the participants were somewhat wary of expectations from others and heed to external influences when making life choices. The statement most agreed with was "Current situations can change at any time". This implies the participants feel the need to constantly work to prove themselves to others and maintain their desired place in life. This is very reminiscent of a competitive atmosphere.

As previously discussed, the sports research has cautioned against one training model for various sports. Dance is an entirely different type of training which needs to also be considered for the training models created. Instructors cannot fall into the traditional dogma of an aesthetic. Youth are a vulnerable age to be working with and there are consequences when youth are in such motivational climates that may alter their perception of social behavior. Competition is a social process that shouldn't be evaded in training a dancer, but there is an appropriate time to begin this training. The participants felt 9-12 years old was a good time to start competitive training of youth, but the truth is up to 12 years is risky. Adolescents before puberty do not have the ability to effectively cope with

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stressors associated to competition and will rely on guidance from mentors such as parents and instructors. Competition is not a negative term, but when a young individual is not physically and psychologically mature enough to manage the situation it is detrimental to their social development.

While the results show a high consensus on the perception of dance as a competitive physical activity, participants were less committed to the idea of competition as an essential part of social life. Competitiveness must be considered an important social asset if we choose to encourage such behavior in maturing youth. This research shows that as a society we may not be methodically analyzing the very behaviors we are instilling in children through certain activities and climate orientations.

CONCLUSION

Although the results are inconclusive as to how social behaviors of individuals who have competitively danced may differ from those who have not, this study developed an understanding of dancers' attitudes towards youth involved in competitive dance and competition as a social process. The rigorous training schedule of competitive dance overwhelms an adolescent's social life. The rigorous training schedule of competitive dance overwhelms an adolescents' social life. Several of the participants confirmed it was difficult if was difficult to make friends or be involved in other activities outside of dance. Youth in dance competitions specialize from an early age, which narrows their social development.

The research failingly did not inquire as to why the majority of participants perceived the 9-12 age range as most suitable for youth to begin competing. Further research should analyze the motivations of external influences such as parents and teachers to encourage youth participation in dance competitions. A future study should include more male participants to determine how gender shapes one's subjective attitudes and motivations for activity. We could also be more informed of dancers' personal experiences via in-depth interviews and gather more participants who have not participated in dance competitions to comparatively explore their attitude towards competition and youth in competitive dance.

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Enhanced Interrogation: Torture Policies of the United States

Philip A. Quigley

ABSTRACT

Over the last decade the US Government has worked tirelessly to combat terrorists, insurgents, and those who intend harm to the US, its interests, and its allies and their interests. The US Military and the US Intelligence Community have used many tactics as part of a more complex strategy for waging a worldwide war against al-Qaeda, other terrorist organizations, and their base of support. No tactic has garnered as much public attention, media outcry, and political debate as the use of torture, or more euphemistically referred to in US Government documents, "enhanced interrogation." The use of this tactic has strained partnerships and prompted tensions, both domestically and internationally, and has raised political, legal, and ethical questions. This paper seeks to explain the issues at the heart of this intense debate and allow the US to continue its world-wide campaign against terror.

Keywords: Global War on Terror, Enhanced Interrogation, Torture, Rendition Program, John Yoo, Jay Bybee, Richard Cheney, Ticking Bomb Scenario

INTRODUCTION

In the aftermath of the al-Qaeda terrorist attacks on September 11, 2001, and the ensuing Global War on Terror (GWOT), torture, or its more politically correct government euphemism, "enhanced interrogation,"^[1] has become one of the many means that the United States Military and members of the United States Intelligence Community, specifically the Central Intelligence Agency (CIA), has used to extract mission-critical information from enemy prisoners and suspected terrorists that were detained in Afghanistan, Iraq, or elsewhere, outside of the United States of America. As the GWOT waxed and waned over two battlefronts and more than one decade; and in the process consuming the lives of thousands of American service members; the public, the media, and representatives from the US Government, have questioned the means by which the GWOT was being waged, particularly as allegations and evidence accumulated of US-involvement in so-called "torture operations" which were allegedly occurring overseas. In the wake of those allegations, and the scandals that followed, a new battle emerged at the forefront of American media attention: those who argued for the continued implementation of "enhanced interrogation" versus those who were vehemently opposed to "torture" and who called for its immediate end. The divide was based on political, legal, and ethical grounds, and those involved in the debate were inextricably entrenched in their respective positions. This battle lingers on today even as the GWOT has transitioned into the so-called "Overseas Contingency Operation"^[2] and the new presidential administration of President Barack Obama has taken office. Whether or not these policies will change is yet to be determined, but thus far, the debate has been ripe with academics, lawyers, media commentators, and politicians espousing all form of opinion and recommendation. We shall analyze the strength and weaknesses of some of these arguments and then I will offer my insights regarding the future use of "enhanced interrogation" for continuing the fight against terrorism.

POLICY THROUGH MEMORANDA

Before anyone can argue for or against enhanced interrogation or torture, it is undeniably obvious that the terminology, and the included definitions therein that will be used in any such debate, are debatable in and of themselves, and therefore must be thoroughly explained first. If one is to define the terms there are many sources

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which can be referenced, but the most pertinent in this case are the sources of national and international law. The most frequently cited definition for "torture" and "cruel, inhuman or degrading treatment" (CIDT) can be found in Articles 1 and 16 of the "UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" (CAT)[3], and Articles 7 and 10 of the "International Covenant on Civil and Political Rights" (ICCPR)[4]. According to Article 1 of the CAT, torture is specifically defined as:

"...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." [5]

Further, Article 16 specifies that any "other" activities which also cause "pain or suffering" are also torture, stating:

"Each State Party shall undertake to prevent in any territory under its jurisdiction *other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1*, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." [6]

Then, the United States Code (USC), Title 18, Part I, Chapter 113C, § 2340A specifically states:

"(a) Offense. -- Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) Jurisdiction. -- There is jurisdiction over the activity prohibited in subsection (a) if--

(1) the alleged offender is a national of the United States; or

(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) Conspiracy. -- A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

§ 2340. Definitions

As used in this chapter--

(1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering

incidental to lawful sanctions) upon another person within his custody or physical control;

(2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from--

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States."^[7]

It is this precise idea, the meaning of terminology and the precise, or imprecise, way which one can define terms is how one of the most controversial legal writings in the past decade came about: The "[DOJ] Bybee Memorandum."^[8] On 1 August 2002, Jay Bybee, who at that time was the Assistant Attorney General for the Office of Legal Counsel at the US Department of Justice (DOJ), wrote the aforementioned memorandum to Alberto Gonzales, who at the time was Counsel to President George H.W. Bush, offering his legal interpretation regarding the definitions, previously described in 18 USC § 2340A, of "severe mental pain or suffering."

In Manfred Nowak's article, "What Constitutes Torture?: US and UN Standards,"^[9] originally printed in *Human Rights Quarterly*, Nowak discusses at length the importance of the "[DOJ] Bybee Memorandum" and how the US Government, circa 2001, redefined torture in order to distinguish "torture" from other forms of CIDT, which the US Government did not interpret as violating either Article 1 of the CAT or 18 USC § 2340A. Nowak makes the argument that by undertaking this course of action, the US Government created a legal definition which differentiated between permissible coercive methods from other actions that were already classified as "torture". What is of particular interest, and what Nowak highlights, is the conclusion of the "[DOJ] Bybee Memorandum," which says, "...even if an interrogation method might violate Section 2340A, necessity or self-defense could provide justifications that would eliminate any criminal liability."^[10] Bybee gave the Bush Administration a criminal defense argument justifying the violation of Section 2340A. It was this legal justification and individual interpretation that was used as future basis for other memoranda that were later issued by the Bush Administration to officials in various intelligence agencies and in branches of the US Military.

Jay Bybee wrote another highly controversial memorandum that Nowak doesn't mention: the "[CIA] Bybee Memorandum."^[11] This memorandum was written to the Acting General Counsel for the Central Intelligence Agency, John Rizzo, regarding the interrogation of a high value al-Qaeda detainee, Abu Zubadayah, who, according to the memorandum, circa 2002, had "been involved in every major terrorist operation carried out by al-Qaeda."^[12] At the time Nowak wrote his article "What Practices Constitute Torture?" the memorandum wasn't declassified yet. The importance of the "[CIA] Bybee Memorandum" is the fact that it illustrates in a descriptive manner the exact methodology for "enhanced interrogation" which the CIA, under orders from the Bush Administration, were planning on using against Zubadayah to obtain mission-critical, time-sensitive intelligence about "information regarding terrorist networks in the United States or in Saudi Arabia and information regarding plans to conduct attacks within the United States or against our interests overseas."^[13] These methods were simply referred to as the "increased pressure phase," and this "phase" included:

"(1) attention grasp, (2) walling, (3) facial hold, (4) facial slap (insult slap), (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) insects placed in a confinement box, and (10) the waterboard."^[14]

The fact that the graphic details explaining each of these interrogation methods are included in the "[CIA] Bybee Memorandum" is quite astounding. Nonetheless, Bybee reached the following conclusion:

"We believe that the specific intent to inflict prolonged mental [suffering] is not present, and consequently, there is no specific intent to inflict severe mental pain or suffering. Accordingly, we conclude that on the facts in this case the use of these methods separately or a course of conduct would not violate Section 2340A...based on the foregoing, and based on the facts that you have provided, we conclude that the interrogation procedures that you propose would not: violate Section 2340A."^[15]

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This conclusion was reached based on the included definitions in the memorandum for "severe mental pain or suffering" and the proposed stated intent of the Central Intelligence Agency. Thus, the United States managed to elude prosecutorial troubles through interpretational legal means and precise/imprecise definitions for terminology. This is a recurring theme that is plainly visible in the legal memoranda that fueled the GWOT.

Besides the "[DOJ] Bybee Memorandum," Nowak dissects other controversial and historical memoranda: the "[2002] Yoo Memorandum"^[16] and "[2003] Yoo Memorandum,"^[17] written by John Yoo, who at the time was the Deputy Assistant Attorney General; and the "Levin Memorandum,"^[18] written by Daniel Levin, who at the time was the Acting Assistant Attorney General. The "[2002] Yoo Memorandum" and "[2003] Yoo Memorandum" succeeded both of the memoranda written by Jay Bybee, and the "Levin Memorandum" succeeded both of the memoranda written by John Yoo. The interesting aspect which can be surmised in all of these memoranda is the way that interpretational legal means was used to circumvent prosecutorial troubles which could have occurred otherwise.

The "[2002] Yoo Memorandum," offered legal interpretations and policy recommendations based on the usage of "understandings," "reservations," and the general applicability of agreements and treaties; more specifically, it brings to question the jurisdictional limitations of the organizations under which violations of said agreements and treaties could potentially be prosecuted under. The "[2002] Yoo Memorandum" referenced the interpretations that Jay Bybee put forth in the "[DOJ] Bybee Memorandum," regarding the definitions of "torture" and "severe mental pain or suffering."^[19] Yoo concurred with Bybee in his interpretations and injected his own additional interpretations. He furthered Bybee's arguments by adding the relevance of the "understandings" and their use as conditional clauses if and when the United States allows itself and its policies to be bound by international treaties and laws. Regarding the United States' signatory agreement with the UN Convention Against Torture^[20], in the "[2002] Yoo Memorandum," Yoo highlighted the "understandings" that the US made in regards to the Convention and the willingness of the US to be bound by its content. He made two statements regarding the applicability of the Convention on the actions of the United States: 1)"Despite the apparent differences in language between the Convention and § 2340A, international law clearly could not hold the United States to an obligation different than that expressed in § 2340A,"^[21] and, 2)"It is one of the core principles of international law that in treaty relations a nation is not bound without its consent."^[22] In other words, because the United States included conditional clauses, IE "understandings," the United States was only bound by the parts of the Convention Against Torture that the US agreed to be bound by. Additionally, regarding the so-called "reservations," Yoo makes a similar argument: if a treaty doesn't specifically state that it doesn't allow "reservations," then any "reservation" that states make are legitimate, and actions of the state are accountable, except in regard to any "reservations" that the state made prior to signing the treaty. Yoo states in his interpretation, "The [Torture] Convention contains no provision that explicitly attempts to preclude states from exercising their basic right under international law to enter reservations to other provisions."^[23] So, basically, the US cannot be held accountable for actions made under the "reservations" it made to the UN CAT. Then, regarding the applicability of the Convention on the actions of the United States, specifically, the use of methods against al-Qaeda operatives which the Convention identifies as "torture," he states, "The United States refused to accept the jurisdiction of the [International Court of Justice]...to adjudicate cases under the Convention,"^[24] and further, "The United States...cannot be bound by provisions of the [Rome Statute] nor can US nationals be subject to ICC prosecution."^[25] In summary, because the US didn't ratify to the Rome Statute, and because the US made reservations to the Convention Against Torture prior its committal, the US cannot be held accountable for actions which it did not agree to. This exception is the legal clause that the Bush Administration used to exempt itself and insulate the US from international criminal prosecution, and it's not the only clause that has been used for this purpose.

The "[2003] Yoo Memorandum" was written by John Yoo to William J. Haynes II, who, circa 2003, was General Counsel for the Department of Defense.^[26] According to Nowak, the "[2003] Yoo Memorandum" was "the legal basis for the...revised interrogation techniques authorized by Secretary Rumsfeld on 16 April 2003,"^[27] and that "the memo explicitly held that the application of cruel, inhuman, and degrading treatment to the [US Naval Base Guantanamo Bay, Cuba,] detainees was authorized with few restrictions or conditions."^[28] It is important to note that the methods that were used on the detainees in Guantanamo were the same methods that the US authorized for use against the insurgents that were detained at the Abu Ghraib Army Detention Facility in Iraq. Consequently

though, in the wake of the 2004 Abu Ghraib torture scandal, the memoranda written by Jay Bybee and John Yoo were revoked.^[29]

Similar to the memoranda written by Jay Bybee and John Yoo, the "Levin Memorandum,"^[30] written in 2004 by Daniel Levin, who was the Acting Assistant Attorney General in the Office of Legal Counsel in the Department of Justice, brings forth yet more interpretations on the definition of what is considered "severe pain or suffering." Nowak opines that another similarity is the interpretational usage of terminology; again, the precise/imprecise way which each memorandum seeks to offer new definitions for the same terminology, but each doing so in a different and more complex way than the memorandum that preceded it. The "Levin Memorandum" further distinguishes "torture" from other forms of CIDT which are not considered torture, and, while distasteful, are permissible nevertheless. Levin states: "'Torture' is thus to be distinguished from lesser forms of cruel, inhuman, or degrading treatment or punishment, which are to be deplored and prevented, but are not so universally and categorically condemned as to warrant the severe legal consequences that the Convention provides in the case of torture."^[31] Thus, Levin created another legal loophole for various organizations to exploit, but unlike the Bybee and Yoo memorandum preceding it, Levin's memoranda was not subsequently withdrawn by the Bush Administration.

THE GLOBAL IMPACT OF DETAINEE ABUSE

Human rights scholar David Forsythe questions US torture policies in his publication in *Human Rights Quarterly*, titled "United States Policy Towards Enemy Detainees in the 'War on Terrorism.'"^[32] Forsythe's expose is a historical examination which uses France's war in Algeria as a case study, and then compares the French-Algiers war to the GWOT waged by the United States, noting, "United States policy makers and leading media personalities have yet to draw the connections between French colonial history in Algeria and the current US 'war on terrorism.' However, the Bush policy is very similar to the French policy from 1954 to 1962, for similar reasons, and with similar results, albeit not identical."^[33] Forsythe particularly illustrates the parallels of how the French military used torture as means to fight the Algerian Separatists during the Battle of Algiers, and how the US has, respectively, used similar counter-terrorism tactics against al-Qaeda terrorists and insurgents in Afghanistan and Iraq.

Forsythe theorizes that the engulfing political disaster which France encountered after the French-Algiers war will also happen to the United States if US policies regarding torture do not change. He states, "Torture may have helped the French win the battle of Algiers, but their policy of abuse led to many negatives, including increased domestic criticism and loss of reputation in the world; meanwhile their enemies failed to lessen their struggle. The Bush policy toward enemy detainees replicates much of this French experience."^[34] As a case in point, Forsythe eludes to the events surrounding the 2004 Abu Ghraib torture scandal and the CIA's ongoing, highly-classified and equally scandalous, "Rendition Program."^[35]

Abu Ghraib is one of the most publicly recognized occurrences where members of the US Military and the CIA abused and used "enhanced interrogation" tactics on suspected terrorists and captured insurgents, but notwithstanding, Abu Ghraib only brought to surface a program that was already thoroughly established by the time the scandal erupted: the CIA's "Rendition Program". According to Forsythe, the "Rendition Program" was basically "the practice of forced disappearances. That is, US authorities held detainees in secret places but did not acknowledge detaining them, thus preventing...any law applying to them,"^[36] and further, that "certain persons were rendered, or deported or transferred, without legal process to foreign jurisdictions such as Egypt, known for harsh interrogation practices."^[37] Forsythe surmises, "one can understand the nature of interrogation in places such as Egypt by looking at the State Department's annual human rights reports, which repeatedly find that torture and other abuse of prisoners is systematic in those states."^[38] Essentially, by the time the 2004 Abu Ghraib torture scandal emerged, there was already an entrenched group within the US Military and the US Intelligence Community that had no qualms about using "enhanced interrogation," or other methods, on detainees in order to obtain the mission-critical information that they needed. The Abu Ghraib torture scandal forced the US to admit to conducting activities that the US never wanted known in the public domain and additionally brought negative

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media attention to an already unpopular war. The way the Bush Administration improperly handled the scandal only added insult to injury in the eyes of the global community.

Forsythe argues that the "Rendition Program" and the debacle surrounding Abu Ghraib torture scandal are primary examples of how the United States may indeed win the GWOT but lose its reputation for being an example of human rights and democracy around the world; similar to how France won the Battle of Algiers, but lost its Algerian colony and its humanitarian reputation. Forsythe laments that "some US policy after 11 September 2001 toward enemy detainees was more humane than the French policy during the Algerian war,"^[39] and that though "[the US] coerced and abused a sizable percentage of those prisoners"..."[the US] did not pull out fingernails as a matter of military policy, then use summary executions to dispose of the incriminating evidence,"^[40] like France did in Algeria, but nevertheless, that the US has "gravely undermined its own standing in global attempts to legally protect human dignity."^[41] Acknowledging the political fallout in the aftermath of Abu Ghraib, one ponders the question, "Was the intelligence the US gathered worth the loss of political capital which the US paid for that intelligence?" Besides the costs of political fallout, there are several serious consequences that the United States could face if the US does not reevaluate its torture policies.

Jeremy Waldron, in the *Columbia Law Review*, unequivocally spells out the consequences of permitting torture to be utilized as a means of obtaining information from suspected terrorists and captured insurgents. In Waldron's article, "Torture and Positive Law: Jurisprudence for the White House,"^[42] he states that by not abolishing torture, the United States has placed itself on a downward spiral which could greatly harm the US internationally and domestically. Internationally, Waldron says, the US could be harmed when drafting treaties with other states, especially in regards to the use of precise/imprecise definitions of terminology, and when the US claims that the President has unlimited legal immunity as Commander-in-Chief. He further states that domestically, the US could be harmed as well if the US continues to allow torture to be used abroad, because, sooner or later, using the same justifications which allowed foreign nationals to be tortured, eventually those justifications will allow for torture to be used domestically against Americans. These are potentially scary conclusions.

Waldron argues that the only reason states would demand a precise or imprecise definition for a term in a legal explanation is so that the state can know and press against that imaginary boundary and have precedent to cite when the state violates that boundary. He states:

"One way of thinking about the need for precise definition involves asking whether the person constrained by the norm in question--state or individual--has a legitimate interest in pressing up as close as possible to the norm, and thus a legitimate interest in having a bright-line rule stipulating exactly what is permitted and exactly what is forbidden...if he does have such an interest, then he has an interest in having the precise location of the crucial point on the continuum settled clearly in advance."^[43]

This rationale is quite logical and is more than likely the exact thinking behind the Bush Administration having so many Department of Justice jurisprudence experts submit different legal interpretations regarding the exact same laws. It can be surmised that Waldron's hypothesis is that if the United States can invariably redefine definitions for terminology in binding international contracts as the US so chooses, then what prevents other states from doing exactly the same thing to the United States? In a word: nothing. This conclusion though, in and of itself, isn't as potentially problematic as Waldron's second argument regarding the consequences for US foreign relations if the US continues to claim unlimited Commander-in-Chief immunity.

Waldron's objection regarding the United States' claim to the unlimited immunity of the Commander-in-Chief is the same objection he has regarding the United States' prerogative in determining the definitions of terminology in international contracts and treaties: what is to stop other states from taking the same prerogative? He sums up this argument, stating:

"Professor Yoo argues that the US President cannot be bound by customary international law; Judge Bybee says that there can be no legislative constraints on the President's ability to authorize torture; and the English Court of Appeal recently determined that the prohibition in the Convention Against Torture on using information obtained

by torture...applies only to information that has been extracted by torture conducted by agents of the detaining state. In the end, a legal prohibition is only as strong as the moral and political consensus that supports it." [44]

Simply put, customs and laws are applicable only if there is a customary belief that dictates that those customs and laws are applicable. From the international relations standpoint, this theory could have tremendous impact on world affairs because if other states decide only to honor those treaties, those contracts, those international laws that the state chooses, when the state chooses, this could lead to global anarchy and the collapse of diplomacy and international relations as we know it.

The final concern that Waldron has is that if the United States continues to allow torture to be used abroad, eventually, under the certain conditions, the US may allow those same methods to be used against Americans, for the same reasons it uses torture against suspected terrorists and insurgents: to prevent an unspeakable act from occurring and to save countless lives. He offers a general observation:

"For we know that, in general, there is a danger that abuses undertaken in extraordinary circumstances (relative to the administration of law and order at home) can come back to haunt or infect the practices of the domestic legal system." [45]

Waldron concludes, pointedly instructing this caution:

"Do not imagine that you can maintain a firewall between what is done by your soldiers and spies abroad to those they demonize as terrorists or insurgents, and what will be done at home to those who can be designated as enemies of society." [46]

The fine line between a state's foreign enemies and a state's domestic enemies can become blurred in the fog of war. A pertinent question comes to light then: "What are those 'certain conditions' which precipitate the United States in justifying using torture?"

THE TICKING BOMB RATIONALE

David Luban asks the question, "Could there be an acceptable justification to use torture?" in his article in *The Virginia Law Review*, titled, "Liberalism, Torture, and the Ticking Bomb." [47] To possibly satisfy this question, Luban discusses the rhetorical "ticking bomb scenario." [48] Luban thusly describes the "ticking bomb scenario":

"Suppose [there is a] bomb...planted somewhere in the crowded heart of an American city, and you have custody of the man who planted it. He won't talk. Surely, the hypothetical suggests, we shouldn't be too squeamish to torture the information out of him and save hundreds of lives. Consequences count, and abstract moral prohibitions must yield to the calculus of consequences." [49]

The "ticking bomb scenario" is a hypothetical morality test designed to prove that even those people who possess an absolute moral prohibition against torture will eventually concede to using torture as a "last resort" to prevent an unthinkable act from being perpetrated by some said villain. Regarding the "ticking bomb scenario" though, Luban raises another important issue which further clouds this debate:

"The ticking time-bomb scenario...makes us see the torturer in a different light...now, he is not a cruel man or a sadistic man or a coarse, insensitive brutish man. The torturer is instead a conscientious public servant...willing to do desperate things only because the plight is so desperate and so many innocent lives are weighing on the public servant's conscience." [50]

Luban discusses the "ticking bomb scenario" to prove the point that as long as there are potential threats credible enough for people to justify the use of violence as a means to counteract that potential threat, torture will always inevitably be an option that presents itself, and those who advocate its uses will find moral, ethical, or legal justifications to do so, and will convince others of the righteousness of doing so, despite any and all political rhetoric or ideology to the contrary.

Luban concludes by addressing the unmentioned underlying need that the United States has for such dramatic, "emergency situations" like the "ticking bomb scenario". He says that "emergency situations," like, for instance, a

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"ticking bomb," are used as a mask to cover up for a graver issue which is hiding just beneath the surface in America: a culture of torture that is slowly being created by the refusal of the United States to abolish this practice. Luban proposes:

"The ticking time bomb distracts us from the real issue, which is not about emergencies, but about the normalization of torture. Perhaps the solution is to keep the practice of torture secret in order to avoid the moral corruption that comes from creating a public culture of torture. But this so-called "solution" does not reject the normalization of torture. It accepts it, but layers on top of it the normalization of state secrecy. The result would be a shadow culture of torturers and those who train and support them, operating outside the public eye and accountable only to other insiders of the torture culture."[\[51\]](#)

Whether or not a so-called "shadow culture of torture" exists is debatable, but nevertheless, the observations Luban makes regarding the "normalization" of torture as an element of state policy, is a valid concern and, at least in his view, the ramifications of such "normalization" could potentially spell catastrophic consequences for the United States.

In the *Johns Hopkins University Press South Central Review* article, "Information and the Tortured Imagination,"[\[52\]](#) written by Thomas Hilde, Hilde directly refutes the "ticking bomb scenario," calling into question the circular logic of the scenario itself and thereby debunking its further usage. He specifically claims:

"The time bomb argument is bogus. It suffers from the same defect of most ends-justify-the-means claims. That is, it adopts an unquestioned fixed supposition or end by which the means to achieve it are simply to be manipulated in its service. The scenario hardly qualifies, then, as a model of either morality or truth-seeking, for the only question is which means to use, or, in other words, which "facts" will prove the supposition or end. Torture becomes a "successful" means in that the torture victim will usually confess to anything the torturers desire, thus confirming the supposition. The argument is a prescription for describing reality as whatever the torturers wish it to be."[\[53\]](#)

Hilde seeks to demonstrate that torture is futile because, accordingly, a person will say anything to stop the torture, but the torturers won't stop until they believe they have the answers they need, and thus the cycle will endlessly continue. Hilde points out though that while this cycle may continue endlessly, all that the torturer is confirming is the reality which they want to confirm. Whether this is indeed the case or not is debatable. Other elements of Hilde's argument are less debatable though and are more a matter of practicality.

There is another, more practical, element to consider when generally discussing the usage of torture when seeking to acquire knowledge from captured enemy combatants: the accuracy and truthfulness of that information. Hilde believes the current interrogation methods present a significant flaw:

"How does one know when one has meaningful or true information? Under severe pain, torture victims often admit to anything to halt the pain, regardless of their guilt of possessing significant information...Since the torture victim might admit to *anything* -- whether intentional misinformation or not -- some further element is required to verify whether the information is either false or "actionable." If one already possesses whatever knowledge forms a "reasonable expectation" that the torture victim has significant information, one could then perhaps correlate the torture information with this previous knowledge in order to verify it. The problem is that this would appear to render torture moot as a practical matter. The torture information must be previously unknown (but somehow of great moral gravity) in order to justify the act of torture. It is therefore unclear whether or not it is meaningful information until one has tortured, gained information, and then somehow verified the information."[\[54\]](#)

Hilde's reasoning is logical. A torture victim will say anything to stop the pain. So, how does one know what is the truth and what is not the truth? Hilde correctly answers this question: you simply verify what you are told with another source. So, torture may not be moot as he states, but it may be a more lengthy and unreliable process than any state may be willing to tolerate. Additionally though, the veracity of the claims that a tortured individual may make could potentially be more difficult to verify than civilian intelligence operatives or military personnel may have time to verify, especially if presented with a real-life "ticking bomb scenario".

The legal aspects have been examined; the international relations aspects have been speculated about; lastly, the hypothetical aspects have been theorized. The remaining aspect is one of the most important aspects: "What do the American people think?" And further, "What actions are they willing to tolerate in order to keep them safe from potential harm?"

US PUBLIC OPINION REGARDING TORTURE

In April 2009, The Pew Research Center conducted a public opinion survey, later titled, "Public Remains Divided Over Use of Torture,"^[55] regarding whether or not the public believes that there are justifications to use torture to obtain information from detained suspected terrorists. From April 14-21, 2009, the Pew Research Center conducted interviews with 742 adults via phone interviews. According to their research findings, "nearly half [of those polled] say the use of torture...is often (15%) or sometimes (34%) justified; and approximately the same portion believes that torturing suspected terrorists is rarely (22%) or never (25%) justified."^[56] Interestingly, their February 2009 findings were not dramatically different from their November 2007 findings or their February 2008. This indicates that the US public is still divided when it comes to justifying the use of torture, and whether or not they think that the use torture should be ceased.

CONCLUSIONS

I do not fully agree with David Forsythe when he said that when "enhanced interrogation"/torture/ETC became part of US policy towards our enemies, America lost its stellar reputation as an example of democracy and human rights. Neither has changed. The US can arguably be cited as the most functional example of democracy in the world, and furthermore, the US is still known for being a champion of human rights. But, what has changed is the US now fights "fire with fire." The US has taken the fight to the enemy and we are using pages out of our allies' playbooks. Ethical or not, the US is not the first nation to use so-called "distasteful" means to win a war. Britain, France, Germany, and others within the international community have done the same, and thus have waived their right to lecture the US on using any means necessary to win its battles, or lest they forget their own history. The world map of today plainly illustrates that their methods worked at one time. Still, I will argue that it is hypocritical to demonize the actions of other states when the US itself is selectively choosing which US and UN torture policies that the US will or will not abide by. Opponents to these methods will say that it is possibly worse that these policies are policies which the US helped to create in the first place. Torture does go against US Code, international conventions, and many of the classical liberal democratic ideals which the United States was founded upon. Jeremy Waldron is mostly correct when he argues that the US Government itself, in its decision to use torture, has done a disservice to the United States and has put the US in a precarious position, both domestically and internationally.

I believe that the United States must be willing to do whatever the US feels is in the best interest of the US in order to protect the United States, its interests, and its allies and their interests from harm. This is unadulterated realist political theory at work. Realist political theory states:

"The realist school of thought is founded on the premise that as a tool for the policymaker the national interest is intended to identify what is in the best interest of his state in its relations with other states. The term 'best' is defined in terms of power and security. Realists view national security as the primary basis of a state's national interest because of the threat of anarchy and constraints on sovereign states that are part of the international system."

At present, with terrorists, including al-Qaeda and several other terrorist organizations, plotting to kill innocent Americans at home and abroad, without reservation I will say that "ticking bomb scenarios," such as presented by David Luban, do exist in reality, and I recognize that, yes, torture does go against classical liberal democratic ideals, but the use of torture does not violate the motivation behind its usage: safeguarding the national interests and security of the United States and protecting American lives. That is more important than the US upholding its supposedly stellar global reputation, or anything else. Quoting former Vice President Richard Cheney, "No moral value held dear by the American people obliges public servants ever to sacrifice innocent lives to spare a captured

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terrorist from unpleasant things. And when an entire population is targeted by a terror network, nothing is more consistent with American values than to stop them."[\[57\]](#) I fully agree with his statement.

As long as there are threats credible enough for ordinary people to justify the use of violence as a means to counteract threats, torture will always be an option that emerges, and there will always be people who will be willing to go to any lengths necessary to prevent unspeakable acts from happening. I know that those who advocate using torture will find any legal loophole to do so, despite any political rhetoric, public opinion survey, or ideology to the contrary. My research did not wholly contradict the Pew Research Center's conclusion that the public was divided over torture. My research, including the articles from the scholarly research journals and the law reviews which I found, indicates that the public is not divided over whether or not they support the use of torture. In fact, it seems apparent that Americans generally disapprove of torture. Even though the public may be against the usage of torture, I still think there are justifiable reasons to use torture and I believe that the American people understand that situations, such as Luban's "ticking bomb scenario," are very much real, otherwise there would not have been as large a minority group in the Pew Research Center's survey that did in fact support the use of torture. Regardless of the legalities, and regardless of the international agreements made, I do not believe that the US Government will change its policies on "enhanced interrogation". As long as there are imminent dangers posed by groups such as al-Qaeda, dangers which threaten US national security, I believe that the US will always retain the option of using torture. As a practical proponent of realist political theory, I believe this is the correct option to follow, and given the unpredictable times which we live in today, I believe this is the only logical course of action.

I have researched the legalities, ethical considerations, international relations implications, and the US policies regarding torture. After completing all of this research, I still support the use of torture. I will again quote former Vice President Richard Cheney, when he said:

"I was and remain a strong proponent of our enhanced interrogation program. The interrogations were used on hardened terrorists after other efforts failed. They were legal, essential, justified, successful, and the right thing to do. The intelligence officers who questioned the terrorists can be proud of their work and proud of the results, because they prevented the violent death of thousands, if not hundreds of thousands, of innocent people."[\[58\]](#)

The American people may never know how many lives have been saved by the use of "enhanced interrogation," and it can arguably be claimed that it is in the interest of US national security that the American people not know the precise results of these interrogations, as the information obtained during these interrogations must first be verified and corroborated by American intelligence operatives and military personnel before any action can be taken. Some things must remain secret and I fully agree with Former Vice President Richard Cheney when he said that, "Releasing the interrogation memos was flatly contrary to the national security interest of the United States. The harm done only begins with top secret information now in the hands of the terrorists, who have just received a lengthy insert for their training manual."[\[59\]](#)

Thomas Hilde was correct when he said that the current interrogation methods used by the US are flawed. If the United States continues using "enhanced interrogation" as part of the CIA's "Rendition Program," then new procedures must be implemented to ensure the veracity of the information which American intelligence operatives or military personnel obtain during those interrogations. There must be a system of checks and balances that ensures that the information received is reliable. If the United States continues this program, then the ends must justify the means, and the US must win the "war on terror." If we as a state actor are to continue to use these methods, then there must be rational, tangible, and justifiable reasons for us to continue to do so. Further, if operational security permits, the results of these enhanced interrogations, specifically, the terrorist attack plots that these interrogations uncover and prevent, should be made known publicly, so that the American people can fully understand and appreciate why these methods were and are will continue to be used on their behalf, and how exactly "enhanced interrogation" benefits the United States. It is only by exposing these plots, after they have been prevented and countered in full measure, that the American people will better understand the life-saving utility of using "enhanced interrogation" against our enemies. It is in the scores of enemies defeated, the tally of thwarted terrorist plots, and the number of American lives saved that, in the end, will justify,

to both the American people and the international community, the actions taken by the American intelligence community and US military personnel. Only these "ends" will justify the "means" of using "enhanced interrogation."

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Rama, Raga and Rava: A study on the implicit cultural connections and complementary nature of music and culinary arts in India

Aaron Schwartz

Abstract: The relation between food and music is strong and readily apparent in the cultural traditions of India. The importance of the relation goes so far that relevance falls on what song the chef listens to while they prepare a meal, and what is being played while the meal is eaten. The musical pitch is intricately connected to the taste of the food, with bitter flavor represented by lower pitch and sweeter flavor represented by higher pitch. People will report experiencing different sensations upon reacting to identical food products, based on the music that accompanies that meal. The effect of this correlation is a more complete and enhanced dining or concert experience, as the two are rarely separated in Indian culture. This paper explores the auditory and gustatory South Indian traditions, expanding on Dr. Adrian McNeil's auditory/gustatory hypothesis in North Indian traditions, to observe the possibility of a subconscious influence, encouraging a complimentary factor in South Indian music and culinary arts.

Keywords: Raga, culinary arts, music, culture, tradition, pitch, tempo, flavor, , auditory, gustatory, intangible cultural heritage, Ram Navami, Indian

Introduction

Both music and food are deeply ingrained in Indian culture, both having rich traditions that have remained over centuries. But how are they related? In their development, these traditions may be more closely linked than expected. Recent studies have revealed a correlation between auditory and gustatory senses and a direct influence upon each other. In this light, how do these customs in India relate to each other, and how have they come to do so? Dr. Adrian McNeil put forth the auditory/gustatory hypothesis in regards to Northern Indian traditions in his work entitled, "Why Hindustani Musicians Are Good Cooks: Analogies Between Music And Food In North India," acting as an inspiration for this study. This study observes the possibility of a subconscious influence, encouraging a complimentary factor in South Indian music and culinary arts through the examination of the choices in food and music in the Indian festival of Ram Navami, and the composition and history of said music and culinary arts, as well as modern use of these facets of intangible cultural heritage.

Ram Navami at the Chinmaya Mission

The festival of Ram Navami is the celebration of birthday of the Hindu God, Shri Rama, the seventh incarnation (Avatar) of Lord Vishnu. Ram Navami is celebrated on the ninth day of the Hindu month of Chaitra (April). Ram Navami marks the end of nine-day long festival called Chaitra Navratri or Vasanta Navratri. On the day of Ram Navami, devotees observe fasting, visit temples, takes religious processions, and hold readings of the Ramayana. The Ramayana is an ancient Sanskrit epic, telling the story of Shri Rama; most often noted for his slaying of the demon king Ravana, stringing and breaking the bow of Shiva, and marriage to princess Sita, the embodiment of the goddess Lakshmi. Shri Rama is revered in Hinduism as the embodiment of truth, morality, the ideal son, the ideal husband and most of all, the ideal king.

The Chinmaya mission is located in Tustin, in Orange County, California. From the outside the mission doesn't seem like anything special, a white industrial building surrounded by eucalyptus trees. The temple inside is far

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more encouraging. Prior to entering the Chinmaya mission, attendees remove their shoes and leave them outside. Once inside they are greeted by members and other attendees alike, meandering the hall and entrance to the main room. While the main room holds both the stage and several hundred chairs, it is common for many to be moving, talking, or to even leave and return during the performances. The first day was a cultural exhibition given by the children of the Chinmaya Early Education Program. This exhibition ran from 1 pm to 6 pm, with a dinner/reception following, and consisted of music, dance, theatre/skits, art, and an essay contest, presented similarly to an Easter pageant in the theatricality and presentations by young children.

Music at the Chinmaya Mission

The music presented on the first day did not necessarily have to do with the Ram Navami festival, but reflected what the children had learned in school and from their gurus. Each performer, aged two years old to teens, entered the stage dressed in traditional attire, sat cross-legged on the floor in front of the microphone, switched on the drone box, and sang their piece, keeping time with their right hand on their right knee, alternating with the palm and the back of the hand. They began each piece by outlining the tonic, dominant, and tonic again at the octave, using the vocables "sa, pa, sa," (swaras referring to the tonic, dominant and tonic at the octave in the key) and back down to the preceding dominant and tonic notes. This practice is used in the elementary instruction of classical Indian vocal technique. An interesting fact to consider is that each piece was announced immediately before the performance, allowing for, and receiving audience acknowledgement thus showing how these pieces are standard repertoire, integral in the musical education of the youth, similar to how western classical vocalists learn Italian art songs. Though the audience might not have seemed attentive, after each piece, the performers were greeted with hearty applause, and rushed offstage, into the audience for pictures while the next performer set up.

The second day of the festival featured a concert by one vocalist, Mayuri Vasan, practitioner and student of Indian Classical music for over 15 years. She has given concerts both in the United States and India, and also studies Western Classical Vocal Performance at Chapman University. The concert began at 4:30 pm, and ran until 6:30 pm, with a very similar setting to the previous day, with many milling about in the halls and entrance, though the talking during the performance decreased somewhat. In this concert, she sang eight pieces (some having to do with Rama and others not), seated cross-legged on a small landing covered with colorful cloth, accompanied by a violin, mridanga, and of course a drone box. One of these pieces, "Rama, Ni Samana mevaru," we will examine later. Unlike the children singing the previous day, no piece began with the outlining of the tonic and dominant, and none of the pieces were announced. These changes suggest more of a professional setting, and also reveal the outlining aspect to be one related to the early education process. Students usually abandon the outlining for humming, or drop it altogether in their teenage years (Vasan). The first five pieces performed were in a style with a little more freedom in the way in which they were performed. They had no specific *talam*, or meter, and occasionally a vaguely definable raga. While they all had a beat, these first five had no specific meter, giving that sense of freedom. This difference in use of meter exemplifies the difference between the Carnatic tradition (first five pieces), and the Hindustani tradition, or South vs. North, respectively.

Food at the Chinmaya Mission

The food on the first day was catered from a local restaurant, consisting of curried chickpeas, naan bread, strawberry ice cream for the children, and a rather out-of-place east Asian dish of rice noodles. A couple of attendees interviewed remarked on the nature of the menu, one of them noting, "There is nothing special for today, Indian food is Indian food ... except that [referring to the rice noodles], that's just here because it's good."

The second day the food was prepared by members of the congregation, lending a more traditional tone. The menu consisted of Keerai Kootu (spinach and lentil soup), Puliodarai (tamarind rice), steamed plain rice, Sambar (another type of lentil soup), Rasam (a flavored broth with yellow lentils, served as a beverage or a soup with rice), curried chickpeas, and a fruit salad. The fruit salad was served as a "sweet dish" typically enjoyed at a festival, however a more common dish for such a festival would be Gulab Jamun (deep fried dough balls in a sweet syrup with almonds and pistachios).

Some of the attendees remarked on the concert and the food after. One attendee stated, "In India, everything is connected to food. You have food at every gathering. And if you want someone to come to something, you say 'free food!'" This amusing quip turned out to be far more significant upon interview of two of the cooks of the evening. In an interview with Vidya Venkatesh, practitioner of holistic medicines, she suggested that food and music are connected more than just socially: "When you cook and when you enjoy food, you should have calm, spiritual music, giving positive energy. Cooking transfers energy from the environment to the food, and if you cook in an environment of calm, positive energy, it will reflect in the food, allowing the food to give the most [efficiency], and when enjoyed in a similar positive environment [of music], the body can do its job and transform the food into energy better." Venkatesh is also compiling a series of recipes and cooking practices similar to that previously described as a study/book on food in holistic medicine. In an interview with Brinda Vasan, the head cook and coordinator for the reception, these ideals were reflected again, and she added, "After listening to good music, you're always hungry for good food. Food is a sign of appreciation for an audience, and you want them to feel that appreciation." Both stated that when cooking they listened to Carnatic music and/or chants to be in the right mind and state of being for cooking. Additionally, this practice, as well as the recipes and cooking practices themselves were passed down in the family from their mothers, and their mothers before them, suggesting a sense of longevity to the practice and necessity of Carnatic music in the cooking method (Vasan).

Basic introduction to Indian Music

The concept of pitches, notes, and scales can be translated and broken down into the concepts of *Shruti*, *Swara*, and *Raga*. *Shruti* is a microtonal interval of sound, deriving from the root "Shru," to hear, referring to "any sound that is capable of being distinctly heard by the ear (Bandyopadhyaya 34). The term *Swara* has evolved to mean the 12 pitches found in an octave. So while *Shruti* are microtones, *Swara* are essentially comprised of whole steps and half steps, with the "standard" measurements of frequency, i.e. A = 440 Hz. However, this does not mean that they are standardized in their naming. For example, *swara* solfège does not refer to specific frequencies, but rather an idea of a scale position; similar to the concept of "moveable 'do,'" in western art music (Wade 29). A *Raga* is a combination of *Swaras* and *Shruti*, as a series in an octave, somewhere between a melody and a scale. A *Raga* is taken from a parent scale or *Thata*, using at least five notes from the scale, and is comprised of smaller subsections of melodic content, called *Varnas*. However, the *Varnas* comprising the *Raga* are not exactly constant, but rather have fixed variations in their ascending and descending fashion. Because of this, a *Raga* does not sound the same ascending as it does descending, similar to how a harmonic minor scale functions in western classical music. Because of the rules governing the construction of *Raga*, and the combinations of *Shruti* and *Swaras*, there are hundreds of different *Raga*, each with its own distinctive character or mood with which it may be associated (Bandyopadhyaya 34-54). Also, each *Raga* may only be used at certain times of the day. The human voice is given precedence over all other instruments in Indian music, as it has the ability to express multiple forms of emotion (Gosvami 101).

Basic introduction to Indian Cuisine and Cooking

Indian cuisine is an interesting variation in reference to world cooking practices. Compared to other world cuisines, Indian cooking is fairly simple, with very basic techniques and utensils. It relies instead upon the composition and building of flavor. Instead of an emphasis of "how," as in most gastronomical practices, the emphasis is on "what," particularly referring to arrangement and configuration of spice palates. Each dish uses these spices as individual elements functioning as flavoring, aromatics, coloring, and occasionally textural components such as natural tenderizers for meat or thickeners and binders to give body to sauces (Sahni 2-5). These elements create an extremely complex overall temperament, disposition, or mood to the dish through these components of texture, aroma and flavor, giving the dish far more prominence than simply serving as a necessary source of gastronomical sustenance. Food is an experience. Therefore, not only do recipes require an extensive knowledge of each spice and herb, but also a historical and broader culinary knowledge of how each spice has been used in other dishes to create different experiences.

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In the early nomadic Aryan culture, food had a great significance in the cosmic moral cycle. In this tradition, food, the consumer of the food, and the universe are all connected, and require balance and unity with each other. In this belief, when food is consumed it produces three components. First is that which is left over and used, which is expelled, and has the greatest "density." Second is the middle "density," which is converted into the body. Third is the most important, with the lightest "density," and the finest and rarest quality, called *manas* or mind. Here we find the sense of spirituality connected to consuming what most consider entirely tangible (Achaya 61). Thus it is necessary, or rather fitting, that Indian cooking contains somewhat intangible qualities.

"Rama Nee Samana Mevaru" and Gulab Jamoon

How, then, can we explain the relationship between music and food? Both have a spiritual component in the case of this festival, and both enhance the mood of the event. By pairing a specific example of music and food, we can explore their shared meaning.

Though not written specifically for the Ram Navami festival, this piece describes the glory of Rama, making it particularly relevant. The text translates to, "Rama, who is your equal, glory of Raghu's race? Sita is a tendril of marvampu flowers; a parrot in the cage of devotion. You have brothers who speak words dripping with honey," (Subba 170). The text itself lends an implication of word painting, employing bright and colorful imagery, such as flowers and the parrot, accompanied by "... words dripping with honey," suggesting a bright, happy, sweet texture. The composer, Sri Tyagaraja, is a classical master, attributed often with encouraging the continuation of the South Indian Classical style. His works are characterized by their notably emotive quality in melody and variety in rhythm; he is also known for his work as a poet (Subba 113). Here, Tyagaraja seeks not to exemplify Rama in this piece for his mighty deeds, but rather for that which makes him in Tyagaraja's opinion the peerless king: the aforementioned sweetness and brilliance of the love of his wife, Sita, and his brothers. To exemplify this love, he chose to compose this piece with the raga Karaharapriya. Karaharapriya is an older raga, often used as a parent scale for others. Frequently associated with the connotation of passion, or occasionally even rage, this raga is used here to create a sense of dramatic, passionate, glorious love for Shri Rama, felt by his wife, his brothers, and the composer. Additionally, while some ragas can only be used at certain times of the day, Karaharapriya can be used at all times, giving a sense of eternity and perpetuity to this love. This exaltation of Rama through the somewhat modern use of an ancient raga seems to create an overall affect of love, but furthermore as a zealous celebration of that love, arguably the main objective of Tyagaraja in this piece.

The culinary example that pairs best with this piece is Gulab Jamoon, a kind of deep fried doughnut hole in syrup, almost like a bread pudding. Gulab Jamoon is made by combining cardamom, saffron, flour, baking soda, milk, and khoya, an Indian milk product thickened by cooking in an open pot. The resulting dough is rolled into balls and deep fried at the low temperature of 300 degrees F. The dough balls are then soaked in a simple syrup of sugar, water, and rosewater (Moorjani 128). This leads to an especially creamy feature of the dough balls, with the smooth features of two kinds of milk product and the sweet silkiness of the rosewater syrup.

In a study by Anne Sylvie Crisnel and Charles Spence of Oxford University entitled "A bittersweet symphony: Systematically modulating the taste of food by changing the sonic properties of the soundtrack playing in the background," the relationship between taste and environment is examined and found to have direct correlations. In their experiment, they played a specific soundtrack (relying on past studies showing a relationship between lower pitches and bitter taste, and higher pitches and sweeter taste) that could be characterized as either bitter or sweet. The subjects listened to the soundtrack, and had taste tests of four pieces of toffee which, unbeknownst to the subjects, were identical. When the subjects began to characterize the toffee as bitter during the "bitter" soundtrack, and sweet during the "sweet" soundtrack, they found their direct correlation between listening and tasting (Crisnel, Spence 202). In a similar study by Brett T. Larsen and Bradley J. Stastny of Texas Tech University entitled, "It's a bittersweet symphony: Simultaneously Mixed Emotional Responses to Music with Conflicting Cues," it was concluded that there is also a direct correlation between major keys, fast tempo, and a musical affect of happiness.

Building on these ideas, one finds a possible connection between the flavor palate of Indian cuisine and the Karnatic musical tradition in the use of the sweet element in the Ram Navami festival. The sweet element of Gulab Jamoon is used to show the sweetness and happiness of a holiday or festival in Indian tradition. In the piece, "Rama Nee Samana Mevaru," we see the implications of happiness in the raga Karaharapriya, used to denote passion, in a somewhat brighter, altered Dorian mode. The piece was performed in a soprano range, accompanied by a violin playing often above C4 (middle C), drawing on the use of higher pitches to convey happiness.

Indian culture also has a blurring of boundaries between music and food in language, reinforcing their inherent link. In a work entitled, "Why Hindustani Musicians are Such Good Cooks," author Adrian McNeil asserts that culinary arts and music are very close in the culture, and for that reason are often tools for understanding one another, such as in an anecdote of a Hindustani musician learning a difficult passage with the use of allegorical references to food and food preparation (McNeil 76-80). The composition of a piece of music and a dish also share similarities in their primary, secondary and tertiary elements, (i.e. spices, subjects, and how they are arranged in comparison to raga, talam, and how they are performed) how exactly they are prepared, and how they are delegated to specific times of the day.

Conclusion: Music, Food, and the Mood of Sweetness

Parallels can be drawn between the cultural, practical, and spiritual elements of music and culinary arts in Indian culture. Both are integral parts of celebration, community, and communication. In the Ram Navami festival at the Chinmaya Mission in Tustin, California, both were absolutely included, emphasized, and equally enjoyed. Music and food also share practical elements as seen through the juxtaposition of the piece "Rama Nee Samana Mevaru," and the dish Gulab Jamoon. Both create an affect of happiness and celebration through the use of specific raga and culinary composition, respectively.

Through interviews and accounts of the Ram Navami festival, we find that there is both a communal and spiritual connection between these two arts as well. A vast majority of events, festivals, and celebrations incorporate and highlight musical and culinary talent. Moreover, in the preparation of food in this culture, it is common practice to listen to Karnatic or chant music. This is both to set a mood for the chef, but also to allow for the correct energy to flow into the art. To paraphrase an interviewee, a positive, calm, connected, and focused kitchen, is one from which the best dishes will emerge, and being better prepared, they better serve the one enjoying their benefits. Vocal music in the Indian tradition is also regarded as having a certain level of, and great capacity for, truth, sincerity, and transcendence. Similarly, when prepared correctly and with the right intent, food has ability and purpose to achieve a sense of enlightenment past material form.

As to the question of whether a subconscious effort has caused these similarities and conjunctions, between music and culinary arts, one may still have to look deeper. While there are several parallels, it is difficult to gauge a single formidable factor upon which all others are built. One may feel highly encouraged in this endeavor, yet still a shade unconvinced. The next step is a juxtaposition of the same concept in another culture. Perhaps by globalizing the question, one might find answers closer to home.

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Aaron Schwartz graduated May, 2012, with a B.M. in Music Education and a Minor in Arts in World Cultures. His future plans include a Masters in Ethnomusicology, exploring the auditory/gustatory thesis in several other cultures around the world, and in the future, a Doctorate in Ethnomusicology. He would also like to study culinary arts both in the United States and abroad, and to pursue a position as a professor at the university level.

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